

58-69-502 Unprofessional conduct.

- (1) "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:
- (a) sharing professional fees with an unlicensed person or paying any person for sending or referring a patient;
 - (b) making an unsubstantiated claim of superiority in training or skill as a dentist or dental hygienist or in the performance of professional services;
 - (c) refusing authorized agents of the division or state or local health authorities access to the facilities related to the practice of dentistry or dental hygiene during normal business hours for the purpose of inspection; and
 - (d) failing to maintain facilities, instruments, equipment, supplies, appliances, or other property or conditions related to the practice of dentistry in a sanitary condition consistent with the standards and ethics of the professions of dentistry or dental hygiene.
- (2) For purposes of Subsection (1)(b), an unsubstantiated claim of superiority:
- (a) includes for the practice of dentistry:
 - (i) advertising or otherwise holding oneself out to the public as practicing a dental specialty in which the dentist has not successfully completed the education specified for the dental specialty as defined by the American Dental Association; and
 - (ii) using the following words in advertising "Endodontist," "Orthodontist," "Oral and Maxillofacial Surgeon," "Specialist," "Board Certified," "Diplomat," "Practice Limited to," "Pediatric Dentist," "Periodontist," or "Limited to Specialty of" when the dentist has not successfully completed the education specified for the dental specialty as defined by the American Dental Association; and
 - (b) does not include a dentist who advertises as being qualified in a recognized specialty area of dental practice so long as each such advertisement, regardless of form, contains a prominent disclaimer that the dentist is licensed as a general dentist or that the specialty services will be provided by a general dentist.

Amended by Chapter 158, 2006 General Session